



Subject:	Objections received to an application for the Renewal of a 14-Day Occasional Outdoor Entertainments Licence
Date:	15 June 2022
Reporting Officer:	Stephen Hewitt, Building Control Manager, Ext. 2435
Contact Officer:	Quintin Thompson, Senior Building Control Surveyor, Ext 2570

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Some time in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of main Issues						
1.1	To consider an application for the renewal of a 14-Day Occasional Outdoor Entertainments Licence for Boucher Road Playing Fields. <table><tr><td>Area and Location</td><td>Ref. No.</td><td>Applicant</td></tr><tr><td>Boucher Road Playing Fields Boucher Road Belfast, BT12 6EU</td><td>WK/2020/01572</td><td>Ms Rose Crozier City and Neighbourhoods Services Dept. Belfast City Council</td></tr></table>	Area and Location	Ref. No.	Applicant	Boucher Road Playing Fields Boucher Road Belfast, BT12 6EU	WK/2020/01572	Ms Rose Crozier City and Neighbourhoods Services Dept. Belfast City Council
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Boucher Road Playing Fields Boucher Road Belfast, BT12 6EU	WK/2020/01572	Ms Rose Crozier City and Neighbourhoods Services Dept. Belfast City Council					
1.2	A location map is attached as Appendix 1.						

2.0	Recommendations
2.1	<p>Taking into account the information presented and any representations received Members are required to consider the application and to:</p> <ul style="list-style-type: none"> a) Approve the application for the renewal of the 14-Day Occasional Outdoor Entertainments Licence, or b) Approve the application for the renewal with special conditions, or c) Refuse the application for the renewal of the 14-Day Occasional Outdoor Entertainments Licence.
2.2	<p>If an application is refused, or special conditions are attached to the licence to which the applicant does not consent, then the applicant may appeal the Council's decision within 21 days of notification of that decision to the County Court. In the case that the applicant subsequently decides to appeal the existing Licence will continue with its present conditions until the appeal is determined.</p>
3.0	Main report
	<p>Representations</p> <p>3.1 The application was received on 10th August 2021. Subsequently, an objection was received outside the 28-day statutory period on 29th September 2021. The nature of the objection relates to intolerable noise disturbance caused by outdoor concerts in Boucher Road Playing Fields which is harming the objector's quiet enjoyment of their property and their health. The email of objection is attached as Appendix 2.</p> <p>3.2 Members are reminded that, at your meeting on 16 March 2022, you agreed to consider the objection that had been received outside the 28-day statutory period.</p> <p>3.3 This objection was as a result of noise nuisance arising from a number of concerts in September 2021. Following a noise complaint to the Council an Officer from Building Control contacted the objector by telephone on 25 September. The objector explained that when concerts take place in Boucher Road Playing fields he is disturbed by loud music.</p> <p>3.4 The objector asked about the action he could take to prevent further concerts from taking place and was advised that he could write to the People and Communities Committee in relation to their leasing of the land to promoters or object to the renewal of the Entertainments Licence.</p> <p>3.5 Further to the objection both parties were invited to attend a liaison meeting to discuss the issues and ascertain if any measures could be implemented to alleviate the objector's concerns. The director of the City and Neighbourhood Services Department agreed to attend but the objector advised that he did not wish to attend the meeting.</p> <p><u>Details of the Premises</u></p> <p>3.6 Boucher Road Playing Fields has been used to provide large outdoor concerts for approximately 10 years.</p> <p>3.7 Boucher Road Playing Fields is owned by Belfast City Council and currently holds both a 14-Day Occasional Outdoor Entertainments Licence and a 14-Day Marquee Entertainments Licence.</p> <p>3.8 The current days and hours during which entertainment can be provided are:</p>

- Monday to Saturday: 11.30am to 11.00pm and
- Sunday: 12.30pm to 11.00pm

3.9 In addition, the following special conditions are attached to the licence:

1. Maximum numbers will be agreed at the discretion of the Building Control Service and will vary depending upon individual concert set up proposals.
2. Prior to any event taking place the promoters are required to demonstrate evidence of early consultation and have in place a robust system of dealing with any complaints, which has been agreed in advance with the Council.
3. Any requests to provide entertainment later than 11.00 pm must be considered by the Licensing Committee and therefore must be made at least 3 months in advance of the proposed event.
4. Should an application to provide entertainment beyond 11.00 pm be granted and the Council then receive a significant number of complaints regarding noise or the complaint is of such significant impact, authority is granted to the Director of Planning and Building Control, in consultation with the City Solicitor, to reduce the finishing time for any subsequent nights of the event, in which case the promoter will be required to make contingency arrangements.

Booking an Event Space

3.10 If an event promoter wishes to host a large-scale music event in a Council park or open space, they must make application to the Council's City and Neighbourhood Services Department. The applicant must provide details of the event which are then submitted to the People and Communities Committee for consideration in principle. Any subsequent approval is subject to an appropriate lease agreement being prepared by Legal Services.

PSNI

3.11 The Police Service of Northern Ireland have been consulted and has confirmed that they have no objection to the application.

3.12 A copy of their correspondence is attached at Appendix 3.

NIFRS

3.13 The Northern Ireland Fire and Rescue Service have been consulted in relation to the application and has confirmed that they have no objection to the application.

Health, safety and welfare

3.14 Pre-event planning meetings are held with all relevant services, agencies and promoters for all large outdoor music events within the Boucher Road Playing Fields.

3.15 The meetings are attended by Officers of the Council, Police Service of Northern Ireland, Northern Ireland Fire and Rescue Service, Department of Infrastructure, Translink, Northern Ireland Ambulance Service, Promoters and their relevant service providers.

3.16 Officers from Belfast City Council assess the Event Planning documents submitted by the promoter and carry out site inspections prior to and throughout the events to ensure compliance with relevant guidance in relation to fire safety, structures, access, egress and facilities for all.

Noise

3.17 The Promoter of large outdoor music events must submit a Noise Management Plan which is provided to the Environmental Protection Unit (EPU) for evaluation. Council Officers work with the promoter in order to assess the noise that may be generated from the event and to minimise the potential for noise disturbance.

3.18 Members should also recognise that noise generated by large scale outdoor concerts is likely to lead to some level of disturbance for local residents. Even if guideline levels are met there is no guarantee that complaints will not be received. Conversely, if a recommended level is exceeded this may not necessarily lead to complaints as people may be prepared to tolerate the event because it will only last for a limited period of time.

3.19 On 24 September 2021 the objector contacted the Night Time Noise Team at 21.18hrs complaining of noise disturbance caused by loud music from the AVA concert at Boucher Road. The Night Time Noise Team called to the complainant's premises at 22.05hrs and witnessed audible music from the direction of Boucher Road. They took an indicative noise measurement, and it showed an Leq of 47Db(A) which was well within agreed guidelines.

3.20 The objector also complained about the sound test for the Base event which took place on 28 October 2021 and the sound test for the recent Ed Sheeran concert which took place on 12 May 2022. Indicative readings were taken in the Malone Road area whilst the Ed Sheeran concert was taking place and showed the LAeq 15 Mins to be 56.3Db(A) which was again within agreed guidelines. However, the Night Time Noise Team Officer noted that during the song 'Shape of you' he could hear the lyrics and during 'Bad Habits', which was the last song, the bass beat was very fast and the lyrics were audible.

3.21 The summary of noise complaints relating to the AVA concerts on 24 and 25 September 2021 is attached as Appendix 4.

Objectors Representation

3.22 The objector's Representation Form is attached as Appendix 5 and it has been provided to the applicant, as required by the protocol.

3.23 In general, the representation relates to concerns as follows:

- The objector has complained numerous times over the years regarding noise disturbance caused by concerts at Boucher Road Playing Fields.
- The noise disturbs the objector's quiet enjoyment of his home and disrupts his sleep.
- The frequency of noise disturbance from concerts.
- The objector would like the concerts to be moved to an indoor venue.

3.24 The objector has been invited to attend your meeting to discuss any matters relating to the objections should they arise.

Applicants Representation

3.25 The applicant has provided their Representation Form, as required by the Protocol, and a copy of their response is attached as Appendix 6.

3.26 The applicants Representation Form has also been provided to the objector, as required by the protocol.

3.27	<p>A summary of the applicant's representation is as follows:</p> <ul style="list-style-type: none"> • The Night Time Noise Team react to noise complaints and the externally monitored sound levels were within the levels set within the CoP for the Control of Noise from Outdoor events guidelines. • The Council Noise Team has not reported any breaches of noise legislation with regards to noise from any of the large events at the site. • Any learning is applied from events and recommendations for improvements are communicated to future event organisers and mitigations are built into event planning for future event delivery. • The licence agreement between the Council and the event promoter, prepared by the City Solicitor, includes a number of clauses to ensure the least disruption as possible to residents living and businesses operating in the surrounding area and to ensure public safety. These include matters relating to: <ul style="list-style-type: none"> ○ Engagement with residents and local businesses ○ Event planning ○ Stewarding and traffic management.
3.28	<p>The applicant and/or their representatives will be available at your meeting to answer any queries you may have in relation to the application.</p> <p><u>Counter representations</u></p>
3.29	<p>No counter representations have been received at the time of writing this report. A copy of the report has been provided to the applicant and objector and a verbal update will be provided in respect of any further representations which are received.</p>
3.30	<p>Further to receiving the Applicants Representation form the Objector requested all the relevant documents generated by the noise team and in particular details of the tests they carried out in relation to the noise nuisance complaint for all and any of the concerts.</p>
3.31	<p>The objector advised that he required this information as it is vital to any fair and comprehensive examination of this issue.</p>
3.32	<p>Following clarification on the scope of the information requested, the Environmental Protection Unit responded, disclosing information concerning the noise complaints made by the objector, including the result of sound monitoring carried out, which was well within agreed levels.</p>
4.0	<p>Financial & Resource Implications</p> <p>None.</p>
5.0	<p>Equality or Good Relations Implications/Rural Needs Assessment</p> <p>There are no issues associated with this report.</p>
6.0	<p>Appendices – Documents Attached</p>
	<ul style="list-style-type: none"> • Appendix 1 – Location Map • Appendix 2 – Email of objection

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| | <ul style="list-style-type: none">• Appendix 3 - PSNI Response• Appendix 4 – Summary of Noise Complaints• Appendix 5 – Objectors Representation form• Appendix 6 – Applicants Representation form |
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